

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

**CRIMINAL NO. 5:05CR207-1**

**UNITED STATES OF AMERICA**

**VS.**

**MAURICE E. BETHEA**  
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**ORDER**

**THIS MATTER** is before the Court on requests by Defendant's court appointed counsel for transcripts of the sentencing hearings for co-Defendants Duane Montgomery, James E. Ferguson, III, and Marcus Chamberlain to be provided at Government expense. The requests are denied.

The Court assumes that Defendant is requesting these transcripts in preparation for his sentencing hearing which is yet to be scheduled. However, the Defendant is not entitled to transcripts at Government expense, especially a transcript involving another defendant, absent some showing of a particularized need. ***United States v. MacCollom*, 426 U.S. 317, 326-27 (1976); *Miller v. Smith*, 99 F.3d 120, 125 n.5 (4<sup>th</sup> Cir. 1996),**

*vacated other grounds, on reh'g* 115 F.3d 1136, *cert. denied*, 522 U.S. 884 (1997); *United States v. Davis*, 972 F.2d 342 (table), 1992 WL 180109 (4<sup>th</sup> Cir. 1992). "An indigent is not entitled to a transcript at government expense without a showing of need[.]" *Jones v. Superintendent, Virginia State Farm*, 460 F.2d 150, 152 (4<sup>th</sup> Cir. 1972).

The Defendant here has not made that showing. Furthermore, the Defendant may review the judgments for each of his co-Defendants as each judgment is a matter of public record.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion for the provision of transcripts of the sentencing hearings of his co-Defendants at Government expense is hereby **DENIED**.

Signed: April 25, 2007



Lacy H. Thornburg  
United States District Judge

